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SCOTTISH STATUTORY INSTRUMENTS

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**2013 No. 62**

**The Police Service of Scotland (Senior Officers) (Conduct) Regulations 2013**

**PART 2**

**Investigations**

**Assessment by Commissioner**

**9.—(1)** Where a misconduct allegation is referred to the Commissioner in pursuance of regulation 8(4)(a), the Commissioner must assess whether the conduct which is the subject matter of that allegation would, if that conduct were proved, amount to—

- (a) misconduct;
- (b) gross misconduct; or
- (c) neither.

(2) Where the Commissioner assesses that the conduct which is the subject matter of the misconduct allegation would, if proved, amount to gross misconduct, the Commissioner must investigate the allegation.

(3) Where the Commissioner assesses that the conduct which is the subject matter of the misconduct allegation would, if proved, amount to misconduct, the Commissioner may—

- (a) investigate the allegation; or
- (b) refer the allegation back to the Authority (with such recommendations as are considered appropriate).

(4) Where the Commissioner assesses that the conduct which is the subject matter of the misconduct allegation would amount to neither misconduct nor gross misconduct, the Commissioner must refer the allegation back to the Authority (with such recommendations as are considered appropriate).